

MBV LAW LLP
855 FRONT STREET
SAN FRANCISCO CA 94111

DAVID J. BROWN (State Bar No. 56628)
MBV LAW LLP
855 Front Street
San Francisco, California 94111
Telephone: 415-781-4400
Facsimile: 415-989-5143

Attorneys for Defendant
TIBERON MINERALS LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TREVOR MOSS,

Plaintiff,

v.

TIBERON MINERALS LTD.,

Defendant.

CASE No. C 07 2732 SC

**STIPULATION AND (PROPOSED)
ORDER REGARDING HEARING
DATE AND FURTHER BRIEFING
ON PLAINTIFF'S RULE 59 AND 60
MOTIONS**

Date: January 25, 2008
Time: 10:00 a.m.
Dept.: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

In accordance with Local Rule 6-1, the parties stipulate that the hearing date on plaintiff's pending motions under Federal Rules of Civil Procedure, Rules 59 and 60 shall be continued one week to February 1, 2008 and that the time to file opposition and to reply to said opposition shall also be extended one week. No other time extensions have been sought on these motions and the extension is to accommodate defendant's counsel's schedule as noted in the attached Exhibit A, Declaration of David J. Brown.

DATED: January 3, 2008

MBV LAW LLP

By _____/s/
DAVID J. BROWN
Attorneys for Defendant
TIBERON MINERALS LTD.

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DATED: January 3, 2008

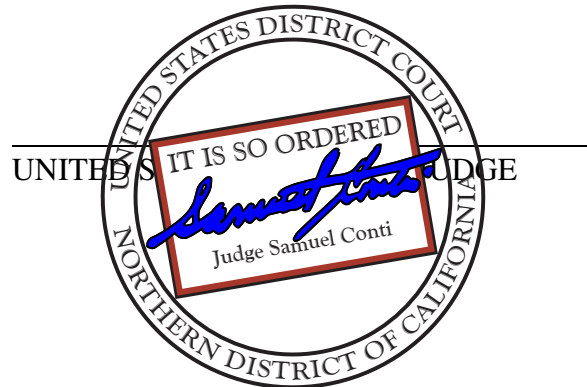
CRAIGIE, MCCARTHY & CLOW

By _____/s/
JAMES M. HANAVAN
Attorneys for Plaintiff
TREVOR MOSS

ORDER

IT IS ORDERED that the hearing date on plaintiff's Motion to Alter Judgment Pursuant to FRCP59(e) and Motion for Relief from Judgment Dismissing for *Forum non-Conveniens* Pursuant to FRCP 60(b) is continued to February 1, 2008 at 10:00 a.m., and that the time to respond to the motions and to reply to the response is extended one week.

DATED: 1/7/08



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1 **EXHIBIT A**

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3 DECLARATION OF DAVID J. BROWN IN SUPPORT OF STIPULATION CONTINUING

4 HEARING DATE ON PLAINTIFF'S MOTION TO ALTER JUDGMENT PURSUANT TO

5 FRCP59(e) AND MOTION FOR RELIEF FROM JUDGMENT DISMISSING FOR *FORUM*

6 *NON-CONVENIENS* PURSUANT TO FRCP 60(b):

7

8 I, DAVID J. BROWN, declare:

9 1. I am the lead attorney in this matter for the defendant. I am familiar with the

10 matter and I have direct and specific personal knowledge of the facts set forth herein and I would

11 testify competently to them if called upon to do so.

12 2. I need an additional week to prepare defendant's response to plaintiff's Rule 59

13 and 60 motions. I had and took a scheduled Christmas vacation with my family from Christmas

14 day until New Year's Eve. While I initially thought I could prepare the defendant's response to

15 the motions without additional time, I find that I need another week.

16 3. With respect to these motions, no prior time extension has been sought. Before

17 the Court granted defendant's motion to dismiss, relatively short extensions of time to respond to

18 the complaint had been obtained.

19 4. I see no hardship being imposed on the Court or either party by this one week

20 continuance. The case is dismissed and these post-judgment motions brought by the plaintiff will

21 not disrupt any case schedule other than the briefing and hearing date on the motions being

22 sought by this Stipulation.

23 I declare and state under penalty of perjury under the laws of the United States of

24 America that the foregoing is true and correct.

25 Executed on January 3, 2008 at San Francisco, California.

26

27 /s/

28 DAVID J. BROWN